



U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530

July 23, 2018

By ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, New York 10007

Re: *State of New York, et al., v. U.S. Department of Commerce, et al.*, 18-cv-2921 (JMF)
N.Y. Immigration Coalition v. U.S. Dep't of Commerce, 18-cv-5025 (JMF)

Dear Judge Furman:

We write on behalf of Defendants the United States Department of Commerce (“DOC”), Secretary Wilbur L. Ross, Jr., the Bureau of the Census, and Ron S. Jarmin, performing the non-exclusive functions and duties of the Director of the U.S. Census Bureau (the “Defendants”) to respectfully request an unopposed extension of up to three days for Defendants to complete their production of documents in response to the Court’s order. *See* ECF No. 199; July 3, 2018 Hearing Tr.

Later today, Defendants will be making be a substantial production of materials in response to the Court’s order, including: internal non-privileged emails from the DOC, additional materials from DOC custodians, and materials from the Bureau of the Census including documents and data relied upon by John Abowd and subordinates in producing the memos found in the administrative record. The volume of materials to be produced today is anticipated to be roughly 1,000 documents. In addition to the materials identified above, Defendants will also be producing a privilege log and initial disclosures.

Although DOJ and DOC attorneys have been working diligently, including through the weekend, to make a complete production today, the volume of documents is larger than anticipated and a substantial number of additional documents still require additional review and processing, which despite best efforts cannot be completed in time for the documents to be produced today. Accordingly, we respectfully request a three-day extension of time for Defendants to complete their production.

When it became apparent on Sunday evening that a brief extension would be necessary for Defendants’ to complete the production, Defendants’ counsel reached out to counsel for Plaintiffs in the two above-referenced cases on Sunday evening to seek their consent. Plaintiffs’ counsel have indicated that they do not oppose the requested extension.

This is the first request for an extension of this deadline and Defendants do not anticipate that this brief extension would impact any of the remaining discovery deadlines set by the Court. There are currently no court conferences scheduled.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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